

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DELORIS PHILLIPS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:10-CV-1197-G (BH)
UNITED PARCEL SERVICE,)	
)	
Defendant.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned district judge is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court.

The plaintiff's voluminous filings and the magistrate judge's thorough and meticulous findings obviate any need for a hearing on the defendant's motion to dismiss; plaintiff's request for a hearing is therefore **DENIED**.

For the reasons stated in the findings, conclusions, and recommendation, defendant's Rule 12(b)(6) motion to dismiss plaintiff's third amended complaint,

filed February 7, 2011, (docket entry 105) is **GRANTED**. Accordingly, plaintiff's claims for gender-based discrimination and harassment under Title VII of the Civil Rights Act of 1964 ("Title VII"), and age-based discrimination under the Age Discrimination in Employment Act are **DISMISSED** without prejudice. The following claims are **DISMISSED** with prejudice: retaliation, racial harassment, and racial discrimination under Title VII and 42 U.S.C. § 1981; racial discrimination under Texas Commission on Human Rights Act; deprivation of dignity under 18 U.S.C. § 242, 42 U.S.C. § 1983, and the Fourteenth Amendment; violation of the Fourteenth Amendment; conspiracy under 18 U.S.C. § 241; deprivation of rights under 18 U.S.C. § 242; malicious deprivation of dignity and liberty under 42 U.S.C. § 1983; conspiracy to deprive plaintiff of rights under 42 U.S.C. § 1985; gender discrimination under Title IX of the Education Amendments of 1972; wrongful termination under the common law and under § 301 of Labor Relations Management Act; defamation; intentional infliction of emotional distress; and negligent infliction of emotional distress.

SO ORDERED.

July 8, 2011.



A. JOE FISH
Senior United States District Judge